

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK DIVISION**

**IN RE: PROTON-PUMP INHIBITOR
PRODUCTS LIABILITY LITIGATION
(NO. II)**

This Document Relates to: ALL ACTIONS

**2:17-md-2789 (CCC)(MF)
(MDL 2789)**

**NOVEMBER 20, 2019
STATUS CONFERENCE
JOINT STATUS REPORT AND
PROPOSED AGENDA**

The parties hereby submit their Joint Status Report and Proposed Agenda in advance of the November 20, 2019 Status Conference.

I. STATUS REPORT

At the time of this filing, approximately 13,628 potentially related actions with 13,659 plaintiffs are pending in federal court.

Currently, approximately 115 state court actions/plaintiffs are pending in the Delaware Superior Court, New Castle County, before Judge Eric M. Davis, 69 state court actions/plaintiffs are pending in the Circuit Court of Cook County, Illinois before Judge Brendan A. O' Brien, 47 state court actions/plaintiffs are pending in a multounty litigation ("MCL") in New Jersey state court in Atlantic County before Judge John C. Porto, 1 action/plaintiff is pending in New York Supreme Court in New York County, and 23 actions/plaintiffs are pending in the Court of Common Pleas, Hamilton County, Ohio before Judge Sylvia Hendon.

II. PROPOSED AGENDA FOR NOVEMBER 20, 2019 STATUS CONFERENCE

The Parties have met and conferred and propose the following Agenda:

- Resolution of the parties' competing Proposed Orders to Show Cause for the 609 and 4,956 Plaintiffs in Alleged Violation of the Tolling Agreement and Subject to Defendants' Tolling Motions to Dismiss [Dkt. Nos. 489 – 492, 494 – 495 and 500];¹
- Bellwether Plan and Related Issues:
 - Entry of bellwether trial plan;
 - List of Eligible Stage 1 Cases/Substantially Complete Cases;
 - Resolution of the parties' competing Proposed Scheduling Orders Amending CMO 21 to extend appropriate related deadlines;
- Defendants' Request for Clean-Up CMO;
- Plaintiffs' Counsel's Motions to Withdraw and Plaintiff-Specific Motions to Compel for Failure to Produce a Plaintiff Fact Sheet
- PEC's Motions to Challenge Privilege Claims [Dkt. Nos. 388 and 433];
- Report on Depositions:
 - Scheduling of Continuation of Ulla Hellgren deposition in Sweden
 - Status of deposition scheduling of all defendants, including foreign former employees of AstraZeneca who reside in Sweden for whom service of deposition notices under the Hague Convention Treaty is pending;
 - PSC's forthcoming motion for Letters Rogatory to issue from the Court regarding a second group of depositions sought by the PSC of foreign, former employees of AstraZeneca who reside in Sweden.

¹ The PSC objects to Defendants' prioritization of this agenda item. The PSC believes the most pressing issue for the upcoming case management conference is the Bellwether Plan and Schedule, which has been an open issue since December 2018. The Defendants believe there is ample time at the upcoming conference to address both issues but that the tolling issue, which has likewise been ongoing for a long period of time, should be addressed as the first item on the agenda.

- Update on Document Productions;
 - AstraZeneca's SAS Productions;
 - Clinical Trial Information; and
 - Supplementation of Regulatory Files;
- PSC's Forthcoming Request to Add Additional PSC Members.

III. TELEPHONIC MONITORING OF THE CASE MANAGEMENT CONFERENCE

As instructed by the Court, counsel has arranged for a telephonic conference line so interested attorneys can monitor the proceedings. Dial-in information is as follows:

Dial In: (888) 808-6929

Access Code: 9945288#

Note that the status conference is scheduled to begin at 1:00 p.m. eastern.

Dated: November 15, 2019